

08/30/01
11042 U.S. PTO

Please type a plus sign (+) inside this box → ⊕

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/05 (03-01)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. TCS-411.1P US-1
First Inventor Rittershaus and Thomas
Title MODULATION OF CHOLESTERYL ESTER TRANSFER
PROTEIN (CETP) ACTIVITY
Express Mail Label No. EL164335375US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- ☒ Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Specification [Total Pages 66]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 12]
- Oath or Declaration [Total Pages 3]
 - ☐ Newly executed (original or copy)
 - ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - ☒ Computer Readable Form (CRF)
 - Specification Sequence Listing on:
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☒ paper
 - ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- ☒ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No. 08 / 945,289
Prior application information: Examiner Lubet Group Art Unit 1644

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here) or ☒ Correspondence address below

Name Leon R. Yankwich, Esq.
YANKWICH & ASSOCIATES
Address 130 Bishop Allen Drive
City Cambridge State Massachusetts Zip Code 02139
Country U.S.A. Telephone (617) 491-4343 Fax (617) 491-8801

Name (Print/Type) Thomas R. Berka, Ph.D. Registration No. (Attorney/Agent) 39,606
Signature Thomas R. Berka Date 30 August 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) **355.00****Complete if Known**

Application Number	(not yet assigned)
Filing Date	(concurrently herewith)
First Named Inventor	Rittershaus and Thomas
Examiner Name	(not yet assigned)
Group Art Unit	(not yet assigned)
Attorney Docket No.	TCS-411.1P US-1

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number **50-0268**
- Deposit Account Name **Yankwich & Associates**
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☒ Applicant claims small entity status. See 37 CFR 1.27
2. ☒ **Payment Enclosed:** (check #2202)
- ☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	355.00
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$) **355.00****2. EXTRA CLAIM FEES**

Total Claims **5** - 20** = **0** x **9.00** = **00.00**

Independent Claims **1** - 3** = **0** x **40.00** = **00.00**

Multiple Dependent **135.00** = **-----**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) **00.00**

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **00.00****SUBMITTED BY**

Name (Print/Type)	Thomas R. Berka, Ph.D.	Registration No. (Attorney/Agent)	39,606	Telephone	(617) 491-4343
Signature	<i>Thomas R. Berka</i>	Date	30 August 2001		

Complete (if applicable)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Rittershaus & Thomas

Serial No.: not yet assigned

Filed: concurrently herewith

Entitled: MODULATION OF CHOLESTERYL ESTER
TRANSFER PROTEIN (CETP) ACTIVITY

Examiner: not yet assigned

Art Unit: not yet assigned

Attorney Docket No.: TCS-411.1P US-1

Box Patent Application

Asst. Commissioner for Patents

Washington, D.C. 20231

UTILITY PATENT APPLICATION TRANSMITTAL:

Division of U.S. Appln. Ser. No. 08/945,289

Prior Examiner: Lubet

Prior Unit: 1644

1. Fee Transmittal form PTO/SB/17 (in duplicate).
2. Utility Patent Application Transmittal form PTO/SB/05.
3. Copy of prior application specification of 66 pages (including Abstract of the Disclosure).
4. Formal Drawings (12 sheets).
5. Copy of oath/declaration (pursuant 37 CFR §1.63(d)) and power of attorney filed in parent application.
6. Copy of recorded Assignments filed in parent application.
7. Sequence Listing;
(a) computer readable form (CRF), (b) paper copy, and (c) statements under 37 CFR 1.825.
8. Information Disclosure Statement (including form PTO-1449).
9. Preliminary Amendment.
10. Return receipt post card.
11. Check No. 2202 in the amount of \$ 355.00 to cover the application filing fee.

Respectfully submitted,

Thomas R. Berka

Leon R. Yankwich; Registration No. 30,237

Thomas R. Berka, PhD; Registration No. 39,606

Attorneys for Applicant

YANKWICH & ASSOCIATES

130 Bishop Allen Drive

Cambridge, Massachusetts 02139

telephone: (617) 491-4343

telefax: (617) 491-8801

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

The undersigned hereby certifies that this correspondence listed above is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10, postage prepaid, Express Mailing Label No. **EL164335375US**, in an envelope addressed to the Asst. Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on the date indicated below.

August 30, 2001
date

Stephanie L. Leicht
Stephanie L. Leicht

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application of: Rittershaus & Thomas

Serial No.: not yet assigned

Filed: concurrently herewith

Entitled: MODULATION OF CHOLESTERYL ESTER
TRANSFER PROTEIN (CETP) ACTIVITY

Examiner: not yet assigned

Art Unit: not yet assigned

Division of U.S. Appln. Ser. No. 08/945,289

Attorney Docket No.: TCS-411.1P US-1

Box Patent Application

Assistant Commissioner for Patents

Washington, D.C. 20231

**Transmittal of Sequence Listing, Computer Readable Form, and Amendment Pertaining
Thereto For Invention Containing Nucleotide and/or Amino Acid Sequence
Under 37 CFR §§1.821-1.825**

Sir:

Transmitted herewith please find: a diskette containing a computer readable form (CRF) copy of an amended Sequence Listing, a paper copy of the amended Sequence Listing, and a preliminary amendment for the patent application filed currently herewith this paper.

Applicants have assigned a separate identifier to each of the 9 sequences disclosed, as required by 37 CFR §§1.821-1.825.

Applicants verify the following:

1. The enclosed amended Sequence Listing and the computer readable form of the amended Sequence Listing for the above-identified patent application are the same in content, as required by 37 CFR §1.825(b);
2. The enclosed amended Sequence Listing for the above-identified patent application contains no new matter and does not go beyond the original disclosure of the application, as required by 37 CFR §1.825(a);

3. The enclosed amended Sequence Listing and the computer readable form of the amended Sequence Listing for the above-identified patent application are in a form and format in accordance with 37 CFR §§1.822, 1.823, and 1.824.

Respectfully submitted,

Thomas R. Berka

Leon R. Yankwich; Registration No. 30,237
Thomas R. Berka, PhD; Registration No. 39,606
Attorneys for Applicants
YANKWICH & ASSOCIATES
130 Bishop Allen Drive
Cambridge, Massachusetts 02139
telephone: (617) 491-4343
telefax: (617) 491-8801

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

The undersigned hereby certifies that this correspondence listed above is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10, postage prepaid, Express Mailing Label No. **EL164335398US**, in an envelope addressed to the Asst. Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on the date indicated below.

August 30, 2001
Date

Stephanie L. Leicht
Stephanie L. Leicht